IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

ANTICIPATORY BAIL APPLICATION NO.8527 OF 2005

Mr.Sandeep Gautamchand Patvari
and ors. : Applicants.

versus

State of Maharashtra : Respondent.

Mr.Ramesh Dube Patil for the applicants.
Mrs.S.D.Shinde, APP, for the State.

CORAM : V.M.KANADE, J.

DATED : 13th January 2006.

ORAL ORDER

1. Heard learned counsel appearing on behalf the applicants and learned APP appearing on behalf of the State/respondent.

2. This is an application for anticipatory bail filed by the applicants in connection with

an offence which is registered vide C.R.No.I-123 of 2005 by the Azad Nagar Police Station, Taluka Malegaon, Dist. Nashik in respect of the offences punishable under Sections 420, 406, 114, 468, 471, 506 r/w 34 of the Indian Penal Code.

3. The case of the complainant is that the accused had misappropriated an amount of Rs.One Crore and Seventy Five Lakhs by forging certain documents and by obtaining signature of the complainant on certain cheques. The learned counsel appearing for the applicants has submitted that initially the complaint was filed in Gujarat and investigation was carried out by the Gujarat Police. However, stay to the investigation was granted by the Gujarat High Court by an order dated 22nd August 2005. Thereafter the present complaint was filed at Malegaon by Sunil Kumar Patwari. It was submitted that custodial interrogation of the applicants is not necessary as the investigation was partly carried out by the Gujarat Police and one of the accused was in custody for 15 days. Part of the cause of action had arisen in Gujarat State. He further submitted that the allegations made in the complaint are in respect of forgery

of documents and further it was alleged that the amount was deposited in the bank. He also submitted that it is not necessary to interrogate the accused and it was open for the Investigating Officer to make the investigation on the basis of bank statements and the documents which are in their possession. Lastly he submitted that the Additional Sessions Judge, Malegaon, Dist.Nashik had allowed the revision application filed by Gautamchand Patvari and had observed in the said order that the custodial interrogation of the said applicant was not necessary.

4. The learned APP appearing for the State/Respondent, on the contrary, has submitted that other three accused are absconding and offence has been committed by forging the documents and it is essential to interrogate the accused in order to find out where the money has been disbursed.

5. I am unable to accept the submissions made by the learned counsel appearing for the applicants. In the complaint serious allegations have been made against the present applicants regarding cheating and misappropriation of huge

sum of money which was transferred fraudulently to their own accounts. In my view, this is not a fit case to grant anticipatory bail. The applicants are at liberty to file regular bail application. Any observation made by this Court while rejecting the application may not be considered as an opinion expressed by this Court in respect of deciding the bail application and the application for bail will be considered on its own merits. The learned counsel appearing for the applicants seeks continuation of the interim order for a period of two weeks. This application is rejected. Request for stay is declined.

[V.M.KANADE,J]